UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF FLORIDA

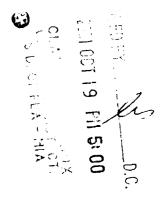
CASE NO. 00-6309-CR-Seitz/Garber

UNITED STATES OF AMERICA,

V.

CHARLES CLAY, et al.,

Defendants.



OMNIBUS ORDER

THIS CAUSE is before the Court by Order of Reference from United States District Judge Patricia A. Seitz. Pursuant to such reference the Court has received the defendant Clay's (1) Motion In Limine to Exclude Evidence Under Federal Rules of Evidence 402 and 404(B), (2) Motion to Sever, etc., (3) Motion to Suppress Evidence on the Grounds of Illegal Search and Seizure, and (4) Motion to Suppress His Post-Arrest Statements, etc.

Upon due consideration of said motions and the Court being advised in the premises, it is hereby

ORDERED as follows:

- 1. The defendant's Motion In Limine is DENIED WITHOUT PREJUDICE as premature. Said motion may be renewed at trial.
- 2. The Motion to Sever, etc. is DENIED. The defendant has failed to assert that the co-defendant Scarola would testify as a witness for the defendant Clay if called at trial. United States v. Adams, 1 F.3d 1566, 1579 (11th cir. 1993). Further, the affidavit



provided in support of the Motion to Sever is from an investigator for Clay, not from the co-defendant Scariola, and is not persuasive to the undersigned.

3. The defendant Clay's Motions to Suppress are hereby scheduled for hearing before the undersigned on Thursday, November 1st, 2001 at 3:00 P.M. in CourtroomVII, United States Courthouse, 300 N.E. 1st Avenue, Miami, Florida 33132.

DONE AND ORDERED in Chambers at Miami, Florida this 19th day of October, 2001.

BARRY/L. GARBER

UNITED STATES MAGISTRATE JUDGE

Copies furnished to: U.S. District Judge Seitz David Rothman, Esq. Jayne Weintraub, Esq. John Howes, Esq. Ana M. Jhones, Esq. Emanuel Perez, Esq. Brian L. Tannebaum, Esq. Jeffrey M. Harris, Esq. Kenneth Swart, Esq. Philip R. Horowitz, Esq. James Benjamin, Esq. `Joseph S. Rosenblum, Esq. David Tarlow, Esq. Jon May, Esq. Howard Srebnick, Esq.